

SERBIA

The Republic of Serbia is a multiparty parliamentary democracy with approximately 7.5 million inhabitants. Boris Tadic was reelected president in February 2008. In May 2008 voters elected a new parliament in which some minority ethnic parties won seats. Observers considered both elections to be mostly in line with international standards. Security forces reported to civilian authorities.

During the year the following human rights problems were reported: physical mistreatment of detainees by police; inefficient and lengthy trials; harassment of journalists, human rights advocates, and others critical of the government; limitations on freedom of speech and religion; lack of durable solutions for large numbers of internally displaced persons (IDPs); corruption in legislative, executive, and judicial branches of government including police; government failure to apprehend the two remaining fugitive war crimes suspects under indictment of the International Criminal Tribunal for the former Yugoslavia (ICTY); societal violence against women and children; societal violence and discrimination against minorities, particularly Roma and the lesbian, gay, bisexual, transgender (LGBT) population; and trafficking in persons.

One significant human rights achievement was marked at the October 10 Pride Parade, when the government affirmed the freedom of assembly of the LGBT community. Unlike previous years, the government worked closely with planners to prepare for the event, and police successfully protected the marchers despite widespread violent protests by extremist groups.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, because the police did not maintain a centralized record of police shootings, it was unclear exactly how many fatalities occurred through police shootings.

On May 26, Ivan Stojadinovic was acquitted of charges in connection with the 2008 death of Knjazevac municipal court president Dragisa Cvejic due to lack of

evidence. Police suspected that Cvejic's killing was politically motivated, due to his work as a judge.

No developments were reported in the investigation into the 2008 death of Ranko Panic, who died after police allegedly beat him at a protest demonstration against the arrest and transfer of Radovan Karadzic to the ICTY. There were no reports that authorities completed disciplinary proceedings opened against six officers from Belgrade, Nis, and Novi Sad, including a senior commander, for exceeding their authority during the demonstration.

There were no developments during the year in the 2008 request by the Special Prosecutor's Office for further investigation into the 1999 killing of prominent independent journalist Slavko Curuvija, owner of the *Dnevni Telegraph* newspaper and *Evropljanin* magazine.

The special war crimes chamber of the Belgrade District Court continued to try cases arising from crimes committed during the 1991-99 conflicts in the former Yugoslavia and two cases from World War II.

On September 12, the war crimes prosecutor indicted Toplica Miladinovic, Srecko Popovic, Slavisa Kastratovic, Boban Bogicevic, Zvonimir Cvetkovic, Radoslav Brnovic, Vidoje Koricanin, Veljko Koricanin, and Abdulah Sokic for killing 41 civilians during the 1999 war in Kosovo. The nine were suspected of committing war crimes against ethnic Albanian civilians in the western Kosovo village of Cuska to drive them from their homes.

In December the Council of Europe released a report written by human rights rapporteur Dick Marty which alleged that members of the Kosovo Liberation Army (KLA) organized the murder and subsequent organ trafficking of Serbian and Kosovo Albanian prisoners both during and after the conflict in Kosovo in 1999. The report called on Serbia, Kosovo, and Albania to cooperate closely with the EU Rule of Law Mission (EULEX) in support of the investigation, and the country's authorities pledged their cooperation with any investigation.

In March 2009 the war crimes prosecutor filed a request for an investigation against five former members of the 37th Squad of the Special Police Unit on the suspicion that they committed war crimes against civilians and prisoners of war in Kosovo in 1999. Those named in the request included Zoran Nikolic, Dragan Milenkovic, Zoran Markovic, Nenad Stojkovic, as well as Radoslav Mitrovic, who was acquitted in the Suva Reka war crimes trial. War crimes spokesman Bruno

Vekaric announced that information related to the case was gathered in the course of a police investigation and from a request filed in March 2009 by the nongovernmental organization (NGO) Humanitarian Law Center (HLC) to bring charges against 15 members of the 37th Squad.

On December 15, the trial chamber of the War Crimes Department of the Higher Court in Belgrade confirmed a previous judgment, sentencing Radojko Repanovic to 20 years in prison for his participation in the 1999 killing of 48 ethnic Albanians in Suva Reka, Kosovo. The court had previously upheld sentences of Sladjan Cukaric to 20 years in prison, Miroslav Petkovic to 15 years, and Milorad Nisavic to 13 years. The principal defendant, former commander of the 37th Squad of the Special Police Unit, Radoslav Mitrovic, as well as Nenad Jovanovic, and Zoran Petkovic were acquitted. The war crimes prosecutor dismissed charges against the eighth defendant, Ramiz Papic.

On June 16, the War Crimes Chamber of the Belgrade Appellate Court affirmed the convictions and sentences of three members of the Scorpions, a Serbian paramilitary unit. Dragan Medic, Dragan Borojevic, and Miodrag Solaja were found guilty of violating the rules of international law when they killed 14 ethnic Albanians, including seven minors, in the town of Podujevo in 1999. The verdict against a fourth defendant, Zelko Djukic, was reversed and the case returned to a lower court for a retrial.

On November 29, the Appeals Court of the War Crimes Chamber overturned the acquittal of Sreten Popovic and Milos Stojanovic, two former members of the police unit accused of involvement in the disappearance and subsequent killing of three U.S. citizen brothers, Ylli, Mehmet, and Agron Bytyqi, in 1999. The court ordered that the two receive a new trial at a lower level.

The trial of 17 members of the so-called Gnjilane group of the KLA that began in September 2009 continued in the War Crimes Chamber. In June 2009 the war crimes prosecutor filed an indictment charging them with crimes related to the deaths of at least 80 Serbs, Roma, and Albanians, as well as rape, in the region near Gnjilane, Kosovo, in 1999.

There were no developments in the December 2009 indictment against Dusko Kesar on charges that he participated in the killing of three Muslim civilians in Prijedor, Bosnia and Herzegovina, in 1994. The indictment stated that Kesar, as a member of a Republika Srpska Ministry of Internal Affairs reserve unit, killed Faruk Rizvic, Refik Rizvic, and Fadila Mahmuljin.

The trial of Sasa Djilerdzica and Goran Savic for war crimes against civilians in Zvornik, Bosnia and Herzegovina, in 1992 was still underway at year's end.

The trial of Branko Popovic, leader of the self-proclaimed "interim government of the Serbian municipality of Zvornik," and Branko Grujic on charges including the 1992 imprisonment, inhumane treatment, and death of more than 700 persons, 270 of whom have been exhumed from mass graves in Crni Vrh and Grbavci, continued at year's end.

On July 27, a court in London denied Serbia's request to extradite Ejup Ganic for war crimes related to a 1992 attack on Yugoslav People's Army forces in Dobrovoljacka Street in Sarajevo that led to the deaths of at least 18 persons. The allegations included war crimes against prisoners of war and the use of illegal means of warfare. The presiding judge found that the extradition request represented either "incompetence by the country's prosecutors or a motive for prosecuting that is based upon politics, race, or religion." The Ministry of Internal Affairs maintained an arrest warrant for Ganic and the other 18 persons suspected of the crime.

The investigation announced in November 2009 regarding five individuals suspected of committing war crimes in Bosnia and Herzegovina in July 1992 continued with separate financial investigations. The charges alleged that the suspects imprisoned, mistreated, and killed at least 23 Romani civilians in Skocic, Malesic, Petkovci, and Drinjaca villages in the Zvornik municipality.

On November 1, the War Crimes Department of the Higher Court in Belgrade sentenced Stanko Vujanovic to nine years in prison for committing war crimes against the civilian population in Vukovar, Croatia, in 1991. The prosecutor alleged that Vujanovic, as a member of the Vukovar Territorial Defense Unit, killed four persons and seriously injured another. On March 12, the war crimes chamber sentenced Vujanovic to 20 years' imprisonment in the separate Ovcara case (see below).

On June 23, the war crimes chamber sentenced former member of the Vukovar Territorial Defense Unit, Damir Sireta, to the maximum prison term of 20 years for participation in the killing of more than 200 Croatian prisoners of war at the Ovcara farm near Vukovar, Croatia, in 1991. On September 20, the Appellate Court's War Crimes Chamber upheld the conviction but reduced the sentence to 15 years.

On June 23, the Belgrade Higher Court's War Crimes Department sentenced Milorad Lazic and Nikola Konjevic to three years in prison and Mirko Marunic to two years on charges that they inhumanely treated Mirko Medunic, a Croatian police officer who had surrendered in Medak, Croatia, in 1991. A fourth defendant, Perico Djakovic, was acquitted of the charges.

In April authorities issued an arrest warrant for U.S. citizen and alleged former Gestapo member Peter Egner who was accused of crimes, including genocide, related to the killing of 17,000 Serb civilians at the Staro Sajmiste concentration camp between 1941 and 1943. Egner subsequently died.

There were no developments concerning the 2008 extradition request from Hungary of Sandor Kepiro for war crimes allegedly committed in Novi Sad in 1942.

b. Disappearance

There were no reports of politically motivated disappearances.

In cooperation with neighboring countries, the International Commission on Missing Persons, and other international organizations, the government continued to make modest progress in identifying missing persons from the Kosovo conflict.

During the year the International Committee of the Red Cross (ICRC) chaired four meetings of the Working Group on Persons Unaccounted for in Connection with Events in Kosovo, which included government representatives from both Serbia and Kosovo. The total number of persons still unaccounted for from the Kosovo conflict stood at 1,822 at year's end. During the year only 54 cases were closed. Of these, 52 remains were identified and handed over to families in Kosovo and Serbia.

According to the ICRC, families in Serbia claimed that almost 1,300 relatives were still missing at year's end in Bosnia and Herzegovina, Croatia, and Kosovo stemming from regional conflicts.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution prohibits such practices; however, police at times beat detainees and harassed persons, usually during arrest or initial detention for petty crimes.

On July 10, a plainclothes police officer beat Borko Burmazovic in a gambling parlor in Zemun. Burmazovic was hospitalized with nonlife-threatening injuries. No charges were filed in the incident, which was captured on security camera video; prosecutors stated they were awaiting the results of an internal control investigation.

The 2008 case against Police Inspector Miljan Komnenovic, the subject of three brutality complaints filed by the Committees for Human Rights in Serbia, was discontinued without the issuance of an indictment.

There were no developments in the investigation into the 2008 incident in which unidentified plainclothes police officers in Brus allegedly beat three youths detained on suspicion of robbing a gas station.

There were no developments in the 2008 case in which four Valjevo police officers allegedly beat and abused Goran Z., Aleksandar S., and Zarko Dj. at the Valjevo police station or in the 2008 case in which three police officers in Arandjelovac allegedly beat college student Nemanja Mijaljevic after he failed to obey a command to stop his vehicle at a checkpoint.

The trial of Milan Zivanovic on charges of grave offenses against general safety and aggravated larceny in connection with the 2008 attacks on foreign embassies was put on hold in November 2009 while a court expert determined whether Zivanovic was too intoxicated to be culpable. Zivanovic was released on bail.

Prison and Detention Center Conditions

Prison conditions varied greatly between facilities.

Prison overcrowding remained a problem which the government recognized. On March 26, Ombudsman Sasa Jankovic told parliament's Justice and Administration Committee that the country's prisons, which were built for a capacity of 7,000, held 12,000 inmates, with prisoners sleeping on the floor. On June 9, Deputy Ombudsman Milos Jankovic said prison living conditions were "humiliating, and, as such, contain elements of torture." He recommended expanding prison capacities, improving health care, and enhancing prisons' cooperation with the social services with a view to prisoners' reintegration in society.

Sanitation varied between and within facilities but was generally poor. Higher-security "closed" wards sometimes lacked natural light and proper ventilation. In one prison that lacked dining facilities, inmates ate in their cells, resulting in unsanitary conditions.

In some prisons inmates continued to complain of dirty and inhumane conditions. The quality of food varied from poor to minimally acceptable, and health care was often inadequate.

Women made up approximately 3 percent of the prison population, and juveniles made up 1 percent. While there was no evidence of mixing male and female populations, youth and adult populations lacked proper separation at the juvenile reformatory in Valjevo. There were no reports of different treatment for women or gender-based violence.

In April a report by the Helsinki Committee for Human Rights in Serbia (HCS) which focused on a juvenile detention facility in Valjevo and a district prison in Leskovac found markedly different conditions in the prisons' food and kitchens. While the reformatory's kitchen was clean and followed health standards, the Leskovac kitchen was unclean and the staff did not prepare the food in a sanitary manner. The HCS report noted that food at the Leskovac prison was of low quality and insufficient quantity.

Both prisons in the HCS report had sufficient medical personnel. The Leskovac facility had arrangements with local healthcare facilities when there was not around-the-clock care. However, the prisons were not adequately prepared to treat the large number of drug addicts in their populations. Supplies of medicines were sometimes insufficient. Prisoners in the reformatory also complained that they did not receive local anesthetic during dental care.

There was no new evidence of abuse by prison guards, although statistics on injuries were not well kept. Guards were poorly trained in the proper handling of prisoners.

Although the length of phone calls was sometime limited, prisoners had ample opportunity to contact their families. There was no evidence that government and prison authorities restricted NGO access to prisons. However, inmates in the Leskovac facility alleged that prison authorities censored letters sent to NGOs or legal authorities.

Permission for religious observance varied among facilities. The Valjevo facility prepared special meals for Muslims and Orthodox Christians and allowed them to fast in accordance with their faiths. Deputy Ombudsman Milos Jankovic noted "self-censorship" among Muslim prisoners with regard to practicing their faith openly. Prisons sometimes segregated minorities, particularly Roma.

The government permitted the ICRC and local independent human rights monitors, including the HCS, to visit prisons and to speak with prisoners without the presence of a warden. The ombudsman has the right to visit prisoners and make recommendations concerning prison conditions. The authority of the ombudsman does not extend to the judiciary, and he cannot represent prisoners or detainees to consider alternate punishment.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention, and the government mostly observed these prohibitions.

Role of the Police and Security Apparatus

The country's approximately 43,000 police officers are under the authority of the Ministry of Internal Affairs. The police are divided into four main departments that supervise 27 regional secretariats (and a Coordination Department for Kosovo and Metohija) reporting to the national government. The effectiveness of the police force was uneven.

While most police officers were Serbs, the force included Bosniaks (Slavic Muslims), ethnic Hungarians, ethnic Montenegrins, a small number of ethnic Albanians, and other minorities. The police force in southern Serbia was composed primarily of Serbs, although there were a small number of ethnic Albanian officers.

There was a widespread belief that impunity was a problem among police. The police internal control unit has 21 investigators who examine complaints against the police, and many observers noted that the quality of police internal investigation seemed to be improving. From January through August, 307 criminal charges and 2,600 administrative proceedings were brought against police, compared with only 262 and 103, respectively, brought during the five years from 2003-08. The government generally did not provide training to the police on corruption or human rights issues, but it facilitated training from various international actors.

During the year there were reports that police failed to respond to societal attacks against minority groups (see section 6).

Arrest and Detention

Arrests were generally based on warrants, although police were authorized to make warrantless arrests in limited circumstances, including well founded suspicion of a serious crime. The law requires an investigating judge to approve any detention lasting longer than 48 hours, and authorities respected this requirement in practice. Bail was allowed but rarely used; detainees facing charges that carried possible sentences of less than five years were often released on personal recognizance.

Articles 27, 29, and 33 of the constitution provide that police must inform arrested persons immediately of their rights, and authorities respected this requirement in practice.

The law provides access for detainees to counsel, at government expense if necessary, and authorities often respected this right in practice. Family members were normally allowed to visit detainees. Suspects detained in connection with serious crimes can be held for up to six months without being charged. The law prohibits excessive delays by authorities in filing formal charges against suspects and in opening investigations; however, such delays occurred regularly. Due to administrative backlogs, authorities frequently held such persons for the full six-month period allowed before charging them.

The law prohibits police use of force, threats, deception, and coercion to obtain evidence, and such evidence is not permissible in court; however, police sometimes used these means to obtain statements.

The law limits the length of pretrial detention from indictment to the conclusion of a trial to two years for most cases, but allows detention for up to four years for crimes that carry up to the maximum penalty (40 years in prison). The law sets two years as the maximum detention permitted after an appellate court vacates the judgment of a trial court. Nonetheless, prolonged pretrial detention was a problem. Due to inefficient court procedures, some of which were required by law, cases often took extended periods to come to trial; once begun trials often took a long time to complete.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; however, the courts remained susceptible to corruption and political influence. Observers believed that judicial reform, particularly the replacement of judges appointed during the Milosevic era, was essential to eliminate corruption. The country passed five reform laws in 2008, the most controversial of which came into effect during the year. The new laws effectively require every judge to be reselected, allowing the High Court Council (HCC) to reappoint the most effective judges. While most observers lauded the goals of the law, the process was widely criticized for lack of transparency.

Judges and prosecutors, particularly those handling organized crime and war crimes, continued to receive death threats.

War crimes prosecutor Vladimir Vukcevic and his associates in the Office of the War Crimes Prosecutor continued to receive death threats from within the country and abroad; on April 10, his office reported receiving 69 threats. Also in April, Justice Minister Snezana Malovic and Special Prosecutor for Organized Crime Miljko Radisavljevic received death threats believed to have come from associates of accused organized crime figure Darko Saric. The threats were made after the special organized crime prosecutor indicted Saric and his group on suspicion of cocaine smuggling.

In August the press reported that Vladana Vukcevic-Jovanovic received death threats from soccer hooligans following her decision to sentence Partizan fan group leader Milos Radisavljevic to 16 months in prison for endangering the safety of B92 reporter Brankica Stankovic.

There were no developments in the October 2009 report by Belgrade district court Judge Velimir Lazovic that an unidentified Belgrade lawyer had threatened that he would not be reelected as a judge if he "was not careful." Lazovic was the presiding judge in the trial of Uros Misic, a soccer fan charged with attempted murder for an attack on a police officer during a 2007 match. In October 2009 the Office of the State Prosecutor announced that it would investigate the threat, which it equated to an attempt to obstruct justice.

The courts were inefficient. Although the system of recordkeeping made it difficult to assess accurately case backlogs or court efficiency nationwide, cases could take years to be resolved.

Causes of delay and backlog in the courts included an insufficient number of judges in the main courts, failure of postal workers to serve subpoenas and other court documents, failure of police to execute arrest warrants, failure of prisons to bring prisoners to court for scheduled hearings, issuing indictments or scheduling hearings without complete and thorough investigations, excessive continuances of court hearings, a lack of professional court administration, and failure to invest in professional personnel and modern infrastructure. In many cases, unwieldy procedures required by the law contributed to delays.

Beginning in January, trials were further delayed by the implementation of judicial reform, during which the judicial system was restructured and judges were reselected. Courts spent January and February moving files, staff, and judges to new locations and introducing judges to new roles. In May inmates at a prison in Novi Sad led a daylong protest against lengthy court proceedings resulting from judicial reform.

On January 1, the HCC took supervisory authority over almost all aspects of court operations based on the package of reform laws passed in 2008. In 2009 the HCC's only responsibility was the selection of all judges in the country's judiciary. Approximately one-third of sitting judges were not reappointed. After the HCC announced its selections in December 2009, a number of judges and the Judges' Association criticized the HCC for a lack of transparency, in particular regarding the selection criteria, and called for the HCC to provide a justification to those judges not chosen. Hundreds of the judges who were not appointed filed complaints with the Constitutional Court. On July 16, in response to these complaints, the Constitutional Court ordered the HCC to draft individualized responses to applicants who were not selected. In one case the Constitutional Court ordered the HCC to reconsider the application. In August the Judges' Association announced that several former judges would file complaints with the European Court of Human Rights (ECHR) because the Constitutional Court was unable to protect the rights of judges who were not reselected. On December 7, Justice Minister Snezana Malovic announced that every judge would be interviewed and each decision reexamined.

Trial Procedures

The constitution provides for the right to a fair trial. Trials are usually public, but they can be closed if the trial judge determines it is warranted for the protection of morale, public order, national security, the interest of a minor, or privacy of a participant. The testimony of a state-protected witness may also be grounds for

closing a trial to the public. There are no juries. The law stipulates that defendants are presumed innocent, have the right to have an attorney represent them at public expense, and have the right to be present at their trials. Defendants have the right to access government evidence and to question witnesses. Both the defense and the prosecution have the right to appeal a verdict. The government generally respected these rights in practice.

The special war crimes chamber continued trying war crimes cases (see section 1.a.). According to the law, evidence gathered by special investigative techniques is admissible.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Regional Human Rights Court Decisions

During the year the ECHR found nine violations by the state of the European Convention on Human Rights. Most of the cases involved procedural delays and length of court proceedings. The majority of cases settled out of court also dealt with judicial delays. In 2009 the ECHR issued 16 judgments that found at least one violation of the convention by the state. The government generally paid compensation ordered by ECHR decisions.

Civil Judicial Procedures and Remedies

The constitution establishes an independent and impartial judiciary in civil matters, and citizens can bring lawsuits seeking damages for or cessation of a human rights violation. Remedies usually involved monetary awards.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions; however, the government interfered with privacy and correspondence. While the law requires the Ministry of Internal Affairs to obtain a court order before monitoring potential criminal activity and police to obtain a warrant before entering property except to save persons or possessions, police occasionally failed to respect these laws.

On June 29, parliament adopted the Law on Electronic Communication. Under the new law, telecommunications operators are obliged to retain for one year data about the source and destination of a communication; beginning, duration, and end of a communication; type of communication; and terminal equipment identification and location of the customer's mobile terminal equipment. This retained data can be accessed by intelligence agencies without court permission. A court order is still required to access the contents of these communications. Both the ombudsman and the commissioner for information of public importance and personal data protection opposed the new law.

Most observers believed authorities selectively monitored communications, eavesdropped on conversations, read mail and e-mail, and tapped telephones. Human rights leaders also believed that their communications were monitored.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and the Press

The constitution provides for freedom of speech and of the press; however, the constitution specifically allows restrictions on speech "to protect rights and reputation of others, to uphold the authority and objectivity of the court, and to protect public health, morals of a democratic society, and national security of the Republic of Serbia." There were reports of government interference with freedom of speech and press, mostly at the municipal level. In most cases, individuals could criticize the government publicly or privately without reprisal.

Parliament approves the budget of the independent Republic Broadcast Agency (RBA), which has broad authority to revoke radio and television station licenses without the right of appeal. However, the RBA did not revoke any national broadcasting licenses during the year.

Most print and broadcast media were independent and privately owned, although the state maintained extensive media resources, and the privatization of municipally owned media was not yet completed. Some newspapers did not make their ownership public, leading observers to question their independence. Radio-Television Serbia (RTS), a public media outlet funded by mandatory subscription, was a major presence, operating two television channels as well as Radio Belgrade. The RTS's coverage was usually objective, although the government had considerable influence over the RTS and the public service Radio Television of Vojvodina. In addition many television stations relied on the state-owned agency

Tanjug for news. The independent news agencies BETA and FONET complained that state financing gave Tanjug an unfair commercial advantage.

Binding RBA instructions required the RTS to broadcast parliamentary sessions live, despite the RTS's complaints that it suffered financial and advertising losses as a result. The RTS managing board stated that the order directly interfered with its editorial policy. Parliament occasionally cancelled or postponed its sessions when the RTS was not able to broadcast them due to conflicting contractual commitments. In 2008 the mission of the Organization for Security and Cooperation in Europe (OSCE) to Serbia expressed concern that the RBA's decision was not in accordance with European standards of media freedom.

Independent media organizations were generally active and expressed a wide range of views; however, some media organizations experienced threats or reprisals for publishing views critical of the government.

During the year some reporters and media organizations were victims of vandalism, intimidation, and physical attacks for coverage and portrayal of views unpopular with the government and right-wing elements of society, such as the capture and extradition of war crimes fugitives.

There were no developments in the case of Dejan M. from Pancevo, who was arrested and released in February 2009 for sending threatening e-mails to independent radio B92's *Kaziprst* show host Danica Vucenic, her family, and other employees of B92 and their families.

The trial in Belgrade of Milan Savatric, Nikola Lazic, and Stefan Milicevic in connection with the July 2008 attack on B92 cameraman Bosko Brankovic continued at year's end.

On August 5, Milos Radisavljevic, leader of one of the Partizan soccer team's fan clubs, was sentenced to 16 months in prison for threatening B92 journalist Branka (Brankica) Stankovic at a soccer game in December 2009. Stankovic, the host of B-92's investigative journalism program *Insider*, received anonymous threats in response to an expose examining the ties between violent hooligans and sports fans' clubs. The trial court in Belgrade dismissed charges against other soccer hooligans on April 22, but on August 4, the court of appeal overturned the decision and returned the case to the trial court for further proceedings.

Police investigations and judicial processes involving assaults on journalists were often long and inefficient. One local assessment of the country's laws determined that, although the legal framework was mostly harmonized with international standards, local courts in practice often diverged from the ECHR in application of article 10 of the European Convention on Human Rights, which provides for freedom of expression.

On July 24, Teofil Pancic, a journalist for the independent weekly *Vreme* and Radio Free Europe and an outspoken critic of extremist nationalism and sports hooliganism, was beaten with a metal bar on a crowded bus. Danilo Zuza and Milos Mladenovic, who are believed to be associated with extremist nationalist groups, were arrested and sentenced to three months incarceration. Prosecutors announced that they would appeal the sentence, as the legally proscribed penalty for the crime is six months to five years.

Human rights activists charged that they were subjects of smear campaigns in the majority of media for expressing criticism of the government or challenging the popular narrative about the country's role in the wars of the 1990s.

Internet Freedom

There were no government restrictions on access to the Internet, e-mail, or Internet chat rooms; however, as in previous years, there were some isolated reports that the government monitored e-mail. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. According to an Ipsos Strategic Marketing report in May, 51 percent of households had access to the Internet.

On June 29, parliament adopted the Law on Electronic Communication, which obliges telecommunications operators to retain for one year data on the source and destination of communication for use by government agencies (see section 1.f.).

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The constitution provides for freedoms of assembly and association, and the government usually respected these rights in practice.

In contrast to 2009, organizers from the LGBT community were permitted to hold a pride parade, which had extensive security protection from the government.

c. Freedom of Religion

For a complete description of religious freedom, see the *2010 International Religious Freedom Report* at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the government did not employ it.

Internally Displaced Persons (IDPs)

According to official statistics of the Serbian Commissariat for Refugees (SCR), 210,146 displaced persons from Kosovo resided in the country, mainly Serbs, Montenegrins, Roma, Ashkali (an Albanian-speaking ethnic group considered by outsiders as similar to Roma but self-identifying as a separate group with cultural distinctions from Roma), Gorani, and Bosniaks who left Kosovo as a result of the 1998-99 conflict. As of the end of August, according to the SCR, approximately 3,164 displaced persons from Kosovo remained in 41 official collective centers in Serbia. Those not in collective centers were generally settled in private accommodations. Many IDPs did not have access to government services due to a lack of identification documents, which could be difficult to acquire if adequate paperwork was not available when a child was born. The country's laws and policies generally protect IDPs in accordance with the UN Guiding Principles on Internal Displacement. Although the government continued to close collective centers, many displaced persons remained in minimally habitable facilities originally constructed for temporary accommodation rather than for long-term occupancy.

Without an official identification card from the government, displaced individuals were not able to access services, but the government did allow displaced persons access to assistance from NGOs and international organizations.

The law requires all residents of the country to record changes of residency and to appear in person at the place of their prior registration to remove themselves from the registry. In order to meet this requirement, many IDPs were required to travel to former Kosovo civil registries that are currently scattered throughout Serbia to deregister. According to the UNHCR, some IDPs of Roma, Ashkali, Egyptian, and Gorani ethnicity were arbitrarily prevented from deregistering their Kosovo address and reregistering a new address in the country, despite meeting legal requirements. Without an authorized local address in the country, individuals were ineligible for health insurance, social welfare, and public schooling. NGOs provided legal assistance to displaced persons from Kosovo to register residency successfully.

The government continued to pay minimum wage salaries, including social and pension contributions, to displaced persons who were in the Kosovo government and state-owned enterprises before mid-1999 and who were not employed during the year. Displaced persons who found a job permanently lost eligibility for government assistance. The government's investigation into the eligibility of displaced persons who were recipients of such payments continued at year's end. There were approximately 22,000 officially registered displaced Roma in the country. However, the UNHCR estimated that 40,000 to 45,000 displaced Roma, many of whom presumably lacked personal documents necessary to register their status, were living in the country. While some displaced Roma lived in government-supported collective centers, living conditions for Roma (both local and displaced) were generally extremely poor. Local municipalities often were reluctant to accommodate them. If Roma did stay, they often lived in unauthorized, isolated, informal settlements without electricity, water, sanitation, or other public services near major cities or towns.

While government officials continued to make public statements that displaced persons from Kosovo should return to Kosovo, senior government officials also claimed that it was unsafe for many to do so. Many Roma believe they may be at risk if they return, claiming that Kosovo Albanians and the government assumed that many Roma displaced from Kosovo were Serb collaborators during the Kosovo conflict. Approximately 600 individuals who had been living in displacement centers in the country returned to Kosovo during the year.

Protection of Refugees

The law provides for the granting of asylum or refugee status, and the government established a system for providing protection to refugees. The country was a transit country for a mixed flow of migration toward Western Europe. The majority of registered asylum-seekers disappeared before an initial decision was made on their applications and sometimes before interviews were conducted.

The government in law and practice provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Asylum-seekers had freedom of movement in the country after establishing their identity and filing an application for asylum. They were eligible for public assistance, including accommodation and food, but they did not have the right to employment until recognized as refugees through the country's refugee status determination process.

The SCR controlled the country's sole asylum center, which had capacity for approximately 80 persons. At the end of August, there were 34 asylum-seekers in the asylum center.

The SCR is also responsible for status determination and care of refugees from the former Federal Republic of Yugoslavia. During the year the SCR provided 680 construction kits and 495 income-generation grants to secure durable solutions for refugees and IDPs that were valued at 2.24 million euros (\$3 million) and intended to provide 3,676 refugee and IDP families in 139 municipalities with durable solutions for housing. According to official SCR statistics, 86,155 refugees from Croatia and Bosnia and Herzegovina resided in the country, while the government estimated that approximately 200,000 to 400,000 former refugees were naturalized but not socially and economically integrated into the country. Approximately 900 refugees lived in collective centers throughout the country.

The government also provided temporary protection (refugee status on a prima facie basis) to individuals from former Yugoslav republics who may not qualify as refugees. The refugee status of individuals from the Socialist Federal Republic of Yugoslavia continued to be regulated under the 1992 Decree on Refugees.

Stateless Persons

The country's law states that citizenship is derived from one's parents. According to the local UNHCR office, 146 stateless persons were granted permanent residence in the country during the year. The UNHCR also reported 16,700 actual stateless persons due to existing legislative gaps in the process of civil registration and lack of documentation. Lack of information, administrative fees, cumbersome and lengthy procedures, difficulty of obtaining documents, the lack of an official recognized residence, and sometimes the need to go to court to prove origin and identity prevented effective enjoyment of citizenship rights for these persons. These problems disproportionately affected the Romani, Ashkali, and Egyptian communities, particularly displaced persons from Kosovo, although they also affected others who were destitute and living in isolated areas.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

The country held two rounds of presidential elections in January and February 2008 and parliamentary elections in May 2008, resulting in the creation of a pro-EU government. The OSCE and other election observers, including domestic organizations, judged these elections to have been mostly free and fair.

Political parties mostly operated without restrictions or outside interference. However, in its final report on the 2008 parliamentary elections, the OSCE Limited Election Observation Mission noted that some aspects of the campaign went beyond the acceptable limits for a democratic society, in particular when death threats to senior officials were reported. The mission reported the display of a large number of posters in Belgrade that could be interpreted as advocating the assassination of top state officials.

There were 56 women in the 250-seat parliament. The speaker and three of six parliamentary vice presidents were women. There were five women in the 27-member cabinet. The law on elections of members of parliament requires parties' election lists to include at least 30 percent women, and political parties participating in the 2008 elections observed this provision.

The law exempts ethnically based parties from the 5 percent threshold required for a political party to enter parliament. Seven members of national minorities, including ethnic Hungarians, Bosniaks, and Albanians, were elected to parliament. Two members of ethnic minorities, both Bosniaks, were in the 27-member cabinet.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. There was a widespread public perception of government corruption at all levels. According to World Bank governance indices and surveys by the UN Development Program, corruption was a problem in 2009.

The private sector considered corruption in the commercial courts to be widespread. Land transfers often were difficult to conclude, leading many in the private sector to allege administrative corruption. It was unclear, however, to what extent these problems were due to corruption rather than bureaucratic inefficiency.

On January 10, the Anticorruption Agency began operating. The agency is an independent state body that reports to the parliament and is responsible for implementing the national anticorruption strategy and overseeing issues related to conflict of interest and financial disclosure. The agency replaced the Republic Board for Resolving Conflicts of Interest and has no independent enforcement capacity. On June 11, the agency published asset declarations of 700 government officials; however, due to the low figures that many leading politicians reported, there was widespread public doubt about the accuracy of the declarations.

One provision of the Anticorruption Agency's mandate requires officials who hold multiple government positions to decide which one of these they would perform. After a prolonged debate, on July 28, the parliament passed amendments to the Anticorruption Law that allow officials to hold multiple, directly elected state functions for a two-year transition period. The Anticorruption Agency and the Council of Europe's Group of States against Corruption opposed the amendments.

On June 1, prosecutors indicted former minister of defense Prvoslav Davinic for abuse of office in connection with his allegedly signing a contract worth 4.6 billion dinars (\$55.9 million) in 2005, thereby exceeding his authority. On September 16, prosecutors indicted Davinic again for abuse of office for having given a ship

worth 4.1 million dinars (\$50,000) to the Regional Center for Underwater Demining in Montenegro. Davinic resigned as minister of defense in 2005 due to his implication in a scandal involving purchases of body armor.

On June 29, police arrested four doctors, including Nenad Borojevic, the director of the Oncology and Radiology Institute in Belgrade, and three representatives of foreign pharmaceutical companies in connection with a bribery scandal. The four doctors were accused of having received one million euros (\$1.3 million) in bribes from the country's representatives of Roche, PharmaSwiss, and AstraZeneca in exchange for ordering the purchase of cytostatic cancer drugs from the companies. Press also reported that doctors overprescribed the drugs to increase the amount of drugs purchased. In November police arrested seven additional suspects as part of the same investigation. The new suspects included doctors in Sremska Kamenica, Kragujevac, Nis, and Belgrade, as well as two additional representatives of Merck Pharmaceuticals. The proceedings against all suspects were still in the investigative phase at the end of the year.

There were reports of authorities' failing to act in response to detailed reports of suspected corruption. There were isolated reports of high-profile politically motivated investigations. During the year authorities made some arrests for corruption and continued the prosecution of high-profile cases from previous years.

There were no reports of developments in the following corruption cases: the cases of the 19 persons attached to the army and arrested in February and March 2009 for giving and receiving bribes and committing fraud related to obtaining state-owned apartments and medical and social security benefits; the cases of the eight persons arrested in February 2009 in Belgrade, Valjevo, and Vrhpolje for corruption related to misappropriation of National Investment Plan funds; the case of the 35 persons, including 18 police officers, arrested in March 2009 in Novi Pazar, Raska, and Kraljevo for giving and receiving bribes, smuggling oil, meat, alcoholic and nonalcoholic beverages, and other goods across the border between the country and Kosovo, and illegal possession of weapons and narcotics; the June 2009 case of Vesna Stevanovic, a Nis Municipal Department registrar, accused of accepting bribes in exchange for issuing expedited or false citizenship, birth, death, and marriage certificates; and the case of 13 police officers and six customs officers who were arrested in December 2009 on bribery and abuse of power charges.

The trial of former Zrenjanin mayor Goran Knezevic and 21 other defendants that began in October 2009 on charges of criminal association, abuse of office, and accepting and offering bribes continued throughout the year.

In June 2009 the Republic Board for Resolving Conflicts of Interest recommended that the deputy mayor of Belgrade, Milan Krkobabic, resign for failing to submit mandatory financial disclosure; at the end of the year, Krkobabic remained in his position.

The government has not fully implemented the access to information law and generally did not provide access in practice. The law provides for public access to information of "legitimate public importance" (with many exceptions) and establishes an independent commissioner for information of public importance selected by parliament to handle appeals when government agencies reject requests for information.

At the end of the year, the Commissioner for Information of Public Importance and Personal Data Protection began to receive public information reports from the 3,000 government offices and institutions that are required to file them annually. Of the 698 offices that submitted reports by the end of the year, 51 percent produced and posted Information Booklets on their Web sites, 56 percent organized training for employees on implementation of the Law on Free Access to Information of Public Importance, and 73 percent provided and maintained Web sites.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of independent domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views. However, these groups were sometimes subjects of criticism, harassment, and threats by nongovernmental actors for expressing views critical of the government or contrary to nationalist views regarding Kosovo, the ICTY, and the wars of the 1990s. Prominent independent human rights groups included the HCS, the HLC, the Lawyers' Committee for Human Rights, the Fund for an Open Society, the Youth Initiative for Human Rights, and the Belgrade Center for Human Rights.

There were no further developments, and none were expected, in the 2008 incident in which two persons accosted and threatened HCS head Sonja Biserko.

The government cooperated with international governmental organizations and during the year hosted visits by OSCE High Commissioner on National Minorities Knut Vollebaek, a delegation of the OSCE ambassadors, ICTY Chief Prosecutor Serge Brammertz, and others.

The Office of the National Ombudsman continued to operate without government or party interference. Ombudsman Sasa Jankovic reported that his office had more cases of human rights violations than it could follow, and governmental institutions followed his recommendations in approximately 70 percent of cases. The ombudsman issues an annual report on his activities and special reports on issues of concern. Vojvodina Province had its own ombudsman who operated independently during the year. According to the Ministry of Human and Minority Rights, 14 of the country's 169 municipalities had ombudsmen. The national ombudsman opened branch offices in two municipalities with majority Albanian populations.

On July 28, parliament passed rules of procedure that established the Committee on Interethnic Relations and the Committee on Gender Equality. The Working Group for Children's Rights was transformed into a special working body, the Standing Committee for Children's Rights. Most observers believe the policy significance and value of the committees are limited.

The government continued to make progress on its cooperation with the ICTY. In December ICTY Chief Prosecutor Serge Brammertz stated in his semiannual report to the UN Security Council that the country has continued to respond adequately to the tribunal's requests for assistance and provided access to documents, archives, and witnesses. However, two ICTY suspects, Ratko Mladic and Goran Hadzic, remained at large, and the ICTY continued to insist on their arrest. Brammertz reported that decisive and intensified action by the operational services and political authorities was critical for obtaining the arrest of the two fugitives.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government made efforts to enforce these prohibitions effectively. However, discrimination against women and ethnic and

sexual minorities, trafficking in persons, and violence against women and children were problems. On May 5, parliament elected the first commissioner for equality, Nevena Petrusic.

Women

Rape, including spousal rape, is punishable by up to 40 years in prison. Advocates believed that only a small percentage of rape victims reported their attacks due to fear of reprisals from their attackers or humiliation in court. Few spousal rape victims filed complaints with authorities. Women's groups believed that sentences were often too lenient in practice. Out of 78 cases of rape tried during the year, 63 resulted in convictions.

Violence against women was a problem. While high levels of domestic violence were generally understood to persist, there were no reliable statistics on the extent of the problem. Research by NGOs concluded that domestic violence was widespread; every second woman suffered from some form of psychological violence, and every third from physical abuse by a family member. In 92 percent of these cases, the perpetrator was the victim's husband or partner. The Autonomous Women's Center reported that on average 1,000 women per year turned to it for help. According to Women against Violence Network, 24 women (two of them minors) were killed in the first seven months of the year and, in almost 80 percent of the cases, the suspects were the victim's husband, partner, father, or son.

Domestic violence is punishable by up to 10 years' imprisonment. The law provides women the right to obtain a restraining order against abusers. Such cases were difficult to prosecute due to the lack of witnesses and evidence, and the unwillingness of witnesses or victims to testify. The few official agencies dedicated to coping with family violence had inadequate resources. The NGO community played the primary role in combating violence against women. NGOs operated shelters for female victims of violence, and the government continued to provide financial support to safe houses for victims of family violence throughout the country. The national broadcasting service RTS ran a media campaign to prevent domestic violence. Osvit, a Nis-based NGO, operated a Romani-language telephone hotline for female victims of domestic violence or abuse.

Sexual harassment was a common problem. The law makes sexual harassment a crime punishable by up to six months imprisonment for a simple case and up to

one year's imprisonment for abuse of a subordinate or dependent. Public awareness remained low, and few complaints were filed during the year.

The government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. Health clinics and local health NGOs were permitted to operate freely in disseminating information on family planning under the guidance of the Ministry of Health. There was a National Center for Family Planning, and local health centers frequently also had family planning centers. There are no restrictions on the right to access contraceptives. On April 6, Katarina Sedlecki, the head of the National Center for Family Planning, told the media that youths lacked adequate information on the importance of the use of contraceptives. The government provided free childbirth services. Women used nurses and midwives for prenatal and postnatal care unless the mother or child suffered more serious health complications. According to 2008 UN estimates, the rate of maternal deaths in maternity wards in the country was eight per 100,000 live births. Men and women received equal access to diagnosis and treatment for sexually transmitted infections, including HIV.

Women have the same legal rights as men, including under family law, property law, and in the judicial system. These rights were to a great degree enforced in practice. During the year the government's Council for Gender Equality, the parliamentary Committee for Gender Equality, the Ministry of Labor and Social Policy's Directorate for Gender Equality, gender equality mechanisms and institutions in Vojvodina, local committees for gender equality, and the deputy ombudsman worked with NGOs to raise public awareness of gender equality problems. On August 26, the government adopted an Action Plan for Implementation of the National Strategy for Improvement of Status of Women and Gender Equality 2010-15. The law on gender equality provides equal opportunities and treatment for men and women in employment and requires state bodies to provide that the less-represented gender occupy at least 30 percent of the positions in each organizational unit, including management. Research by the employment Web site found that women earned 8.5 percent less than men, but also noted sectors such as marketing, business administration, and accounting in which women earned more than men.

Traditional views of gender roles, particularly in rural areas, resulted in discrimination against women. In remote rural areas, particularly among some

minority communities, women could not effectively exercise their right to control property.

The social status of women was generally considered inferior to that of men, and women were not well represented in the business world. Women over 50 years of age who lost their jobs due to the economic crisis had more difficulty finding work than men of a similar age, and more women than men became unemployed as a consequence of economic crisis. According to a survey by the Bureau of Statistics, the unemployment rate for women was 20.4 percent, as compared to 18.3 percent for men. Thirty percent of managers and 20 percent of chief executive officers were women. Only 12 women sat on the administrative boards of companies. Maternity leave is provided by law; however, there were reports that private companies did not always meet legal obligations. NGOs reported that some childless women felt discriminated against during the hiring process because employers feared they would take maternity leave in the future.

Children

Citizenship is derived from one's parents. The law on birth records regulates universal birth registration, but according to the UN Children's Fund (UNICEF), 5 percent of Romani children were not registered at birth. Subsequent birth registration remains unregulated. Children who are not registered do not have access to public services such as health care.

Education was free through secondary school but compulsory only through primary school. There was no difference in the treatment of girls and boys at the primary, secondary, and postsecondary levels; however, cultural norms and economic hardship discouraged some children from attending school.

While the law provides that government clinics offer free medical care, including free medicines from a limited list of covered drugs, there were reports that corruption resulted in restricted access to medication for some. Romani children often faced difficulties in accessing health care.

Child abuse was a problem. Children were often victims of family violence, and peer violence among children was on the rise. Girls were victims of sexual violence. According to available data, child abuse, including sexual violence, was also on the rise. Children in the country were exposed to verbal or physical abuse on a daily basis, and many children were exposed to alcohol, drugs, and violence.

While teachers were instructed to report suspected child abuse cases, they often did not do so. Police usually responded to complaints, and authorities prosecuted child abuse cases during the year. In several court cases, defendants were found guilty of child abuse and sentenced to imprisonment. Psychological and legal assistance was available for victims. Children also were accommodated in safe houses for victims of family violence.

Child marriage was a problem in some communities, particularly among Roma and in rural areas of southern and eastern Serbia. In the Romani community, boys and girls generally married between the ages of 14 and 18, with 16 years old as the average age. Boys generally married a few years later than girls, and some girls married as early as 12 years of age. Recent information indicated that the number of Romani child marriages was declining while the number of child marriages in the general population was growing. Child marriages occurred among individuals from all economic and social backgrounds.

The minimum age for consensual sex is 14 years old. The criminal code sets penalties for statutory rape ranging from three to 12 years in prison. If the statutory rape is qualified as particularly severe, punishment ranges from five to 15 years' imprisonment. If the rape results in the victim's death, the perpetrator is sentenced to a minimum of 10 years in prison.

The law prohibits child pornography. Using a child to produce pornographic materials or for a pornographic show is punishable by six months to five years in prison. Selling, showing, exhibiting, or otherwise making child pornography available publicly or electronically is punishable by up to two years' imprisonment.

Children in orphanages and institutions were sometimes victims of physical and emotional abuse by caretakers and guardians and suffered sexual abuse by peers.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

While the law bans hate speech, translations of anti-Semitic literature were available from ultranationalist groups. Approximately 100 different anti-Semitic

books were sold in bookshops. Right-wing youth groups and Internet forums continued to promote anti-Semitism and use hate speech against the Jewish community.

Holocaust education continued to be a part of the school curriculum at the direction of the Ministry of Education, and the role of the collaborationist National Salvation government run by Milan Nedic during the Holocaust was also debated as part of the secondary school curriculum. There was a tendency among some commentators to minimize and reinterpret the role of national collaborators' movements during World War II and their contribution to the Holocaust in the country.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Persons with Disabilities

The constitution prohibits discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services. The government generally enforced the law. However, lack of access to older public buildings and public transportation was a problem. The law mandates access for persons with disabilities to new public buildings, and the government generally enforced this provision in practice.

The law prohibits physical, emotional, and verbal abuse in all schools, and there were no reports of abuse in special education facilities.

The Center for Independent Living (CIL), a disability rights NGO, reported that most persons with disabilities lived isolated from their communities and that facilities for their education and care were nonexistent or inadequate.

Unemployment remained a serious problem for persons with disabilities; in April it was reported to be 87 percent. A lack of workplace accommodations combined with overall high unemployment made it difficult for persons with disabilities to obtain work. While there were no reports of overt discrimination against persons with mental or physical disabilities, the CIL reported that it was difficult to detect discrimination because employers usually gave other reasons for not hiring persons with disabilities.

On May 23, the Law on Employment of Persons with Disabilities went into effect, requiring companies with more than 20 employees to hire persons with disabilities.

The Ministries of Labor and Social Policy, Education, and Health all had sections with responsibilities to protect persons with disabilities. The Ministry of Labor and Social Policy had a broad mandate to conduct liaison with NGOs, distribute social assistance, and monitor laws to provide that the rights of disabilities were protected in new legislation. The Ministries of Health and Education offered assistance and protection in their respective spheres.

National/Racial/Ethnic Minorities

A report on the country by the European Commission against Racism and Intolerance in 2008 noted the existence of a climate of hostility toward national and ethnic minorities, who constituted 25 to 30 percent of the country's population and included ethnic Hungarians, Bosniaks, Roma, Slovaks, Romanians, Vlachs, Bulgarians, Croats, Albanians, and others. Sixty-eight out of 169 municipalities in Serbia are multiethnic.

Roma, who constituted 1.4 percent of the population in the 2002 census but whose actual number was estimated at 5.4 percent according to the Ministry of Human and Minority Rights, continued to be the most vulnerable minority community. Roma were the targets of verbal and physical harassment from ordinary citizens, police violence, and societal discrimination.

On October 7, the city of Belgrade evicted 36 Roma from an informal settlement on Vojvodjanska Street to clear land for construction. According to NGO reports, the government did not provide alternative accommodation or legal assistance.

During the year there were reports of violence against members of minority groups. In January in Temerin in Vojvodina, there were two separate attacks on two Hungarians, who were beaten after they told assailants they were Hungarians. Police identified assailants in the first incident.

On June 11, following the killing of a Serbian teenager by a Romani resident, violent protests against Roma broke out in the Jabuka village in Vojvodina. For several days, Serbs from the village demonstrated in front of Romani homes, throwing rocks and chanting anti-Romani slogans. The gendarmerie only reacted to protect Roma after four days of protest. Police arrested six individuals for

incitement of racial and national hatred and intolerance. Five were being tried at the end of the year.

There were also numerous reports of vandalism and graffiti against minorities. For example, on April 16, unknown assailants in Backi Monostor in Vojvodina sprayed the Democratic Association of Croats in Vojvodina with chauvinistic anti-Croatian graffiti.

There were no developments and none were expected in the March 2009 incidents in which unidentified individuals speaking Serbian attacked Eliot Balog, a Hungarian, in Sombor and approximately 15 youths attacked Congor Ka, also a Hungarian, in Temerin.

The investigation continued into an April 2009 series of attacks on Roma in the town of Cacak.

There were no further developments, and none were expected, in the 2009 cases of League of Social Democrats of Vojvodina leader Nenad Canak and his deputy, Bojan Kostres, who received threatening letters from an unidentified source warning them to withdraw from politics within a month or be killed. The party reported the threats to the police and demanded a thorough investigation.

In September 2009 the state prosecutor, Slobodan Radovanovic, submitted a request to the Constitutional Court to prohibit the right-wing group Obraz and the nationalist movement "1389" from actions that were intended to undermine the constitutional order violently, violate human and minority rights, and incite racial, ethnic, or religious hatred. The case was pending at year's end.

Many Roma continued to live illegally in squatter settlements lacking basic services such as schools, medical care, water, and sewage facilities. According to UNICEF, Romani children were one-third as likely to live to their first birthday as other children. While the educational system provided nine years of free, mandatory schooling, including a year before elementary school, ethnic prejudice, cultural norms, and economic hardship discouraged some Romani children from attending school. In August the Ministry of Education hired Romani teaching assistants for 26 schools across the country.

Ethnic Albanian leaders in the southern municipalities of Presevo, Bujanovac, and Medvedja continued to complain that ethnic Albanians were underrepresented in state institutions at the local level.

The government took some steps to counter violence and discrimination against minorities. It operated a hotline for minorities and others concerned about human rights problems. Civic education classes offered by the government as an alternative to religion courses in secondary schools included information on minority cultures and multiethnic tolerance. The law allows official use of the native language and alphabet of any national minority that constitutes 15 percent of the population in a given area, but representatives of the Albanian and Czech communities complained that the software used to produce identity documents would not accept characters not contained in the Serbian alphabet.

On June 6, elections for National Minority Councils (NMC) were held. Nineteen minority communities voted in direct elections. Three minority communities chose their NMC representatives through indirect elections. Following several unsuccessful attempts to form the Bosniak minority council, on December 8, Minister for Human and Minority Rights Svetozar Ciplic announced that new elections for that council would be held in early 2011. The NMCs have broad competencies over education, mass media, culture, and the use of minority languages.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Violence and discrimination against members of the LGBT community were serious problems. While attacks happened frequently, few were reported publicly because victims feared further harassment.

On August 12, police arrested Christian Zivanovic for stabbing and robbing two German citizens, Dominic Miller and a minor. Zivanovic told police he attacked them because they were "acting like members of the gay population."

During the October 10 Pride Parade in Belgrade, approximately 6,000 rioters (mostly soccer hooligans and nationalist extremists) attempted to attack and disrupt the parade, injuring 147 police and inflicting approximately \$1.4 million in property damage. When police prevented them from reaching the parade, they attacked several buildings, including foreign embassies and political party headquarters.

Societal perceptions of homosexual conduct and attitudes towards the LGBT population continued to be negative. According to a survey done in March by the

Center for Free Elections and Democracy and the Gay Straight Alliance (GSA), 56 percent of the population believed homosexuality posed a threat to society, 67 percent believed it to be a disease, 20 percent supported or justified violence against LGBT persons, and 5 percent were ready to use violence to combat homosexuality. Several neo-Nazi Web sites, nationalist Web forums, and Facebook pages based in the country hosted anti-LGBT forums and groups.

Members of the LGBT community continued to be targets of attacks. LGBT organizations reported that many violent attacks against the LGBT community were not reported to police because the victims did not believe their case would be addressed properly and wanted to avoid further victimization from the police or publicity generated by their complaint.

In March 2009 a group of approximately five masked individuals broke windows and attempted to enter the Student Cultural Center in Kragujevac during a press conference held by the GSA to present its annual report on gay rights in the country. The GSA alleged that the attackers had been emboldened by the government's decision to withdraw a draft law against discrimination from parliamentary procedure in response to pressure from the Serbian Orthodox Church and right-wing groups. On March 14, police arrested three individuals in connection with the incident, but there was no additional information available at year's end.

In May 2009 the district prosecutor in Belgrade declined to file criminal charges in connection with the 2008 attack by a group of approximately 20 youths wearing surgical masks and hoods on participants in a gay rights festival in Belgrade. In July the NGO Labris initiated a civil suit on behalf of one of the victims; the case was pending at year's end.

Although the broadcasting law prohibits discrimination on the grounds of sexual orientation, some media carried slurs against LGBT persons. The tabloid press continued to publish articles with hate speech against the LGBT population and interviews with homophobic right-wing groups.

Other Societal Violence or Discrimination

There are 2,440 persons registered as infected with the HIV virus. NGOs reported acts of discrimination against persons with HIV/AIDS, including job loss and harassment by neighbors. NGOs and some health workers also reported that some medical workers discriminated against persons with HIV/AIDS.

Section 7 Worker Rights

a. The Right of Association

The constitution provides for the right of workers to join or form unions of their choosing. This right is subject to restrictions, including approval by the Ministry of Labor and Social Policy and a statement from the employer that the union leader is a full-time employee, which reportedly was tantamount to a requirement of employer approval. The state-affiliated Confederation of Autonomous Trade Unions of Serbia (CATUS), a federation of unions formed during the country's socialist period and supported by the Milosevic regime, outnumbered independent labor unions in the public sector. However, independent trade unions were able to organize and address management in state-owned companies on behalf of their members. In the state-owned sector, 55 to 60 percent of workers were unionized, while in the private sector, 13 to 15 percent were unionized. In newly privatized companies, up to 35 percent of workers belonged to unions.

The constitution and law allow unions to conduct their activities without interference, and the government protected this right in practice.

The constitution provides for the right to strike except by persons delivering essential services, such as public utilities, radio and television broadcasting, food production, healthcare, education, social services, military and intelligence services, work in the chemical, steel, and metals industries, and the postal service. Employees in essential services constituted more than 50 percent of the workforce and had to announce planned strikes at least 10 days in advance and to ensure that a "minimum level of work" was provided. Workers frequently exercised the right to strike, especially in the first part of the year. According to some estimates, a total of 40,000 to 50,000 workers throughout the country were on strike at some point during the year.

b. The Right to Organize and Bargain Collectively

The constitution guarantees the right to work, to unionize, and to strike, and the labor law protects the right to bargain collectively. This law was effectively enforced and collective bargaining was freely practiced. The law requires collective bargaining agreements for any company with more than 10 employees. However, in order to negotiate with a private employer, a union must represent 15 percent of company employees. In order to negotiate with the government, a union

must represent 10 percent of all workforce employees. Collective bargaining agreements covered approximately 40 percent of employed workers.

The law prohibits discrimination on the basis of trade union membership but does not expressly prohibit discrimination for trade union activities and establishes no specific sanctions for antiunion harassment. During the year the independent trade union Nezavisnost continued to allege discrimination against trade unions and violations of workers' rights. There were no updates in the 2008 trade union discrimination case that Nezavisnost initiated at the Trayal Tire Factory in Krusevac, when the management of the company and CATUS refused to recognize that Nezavisnost represented a portion of the workforce and excluded it from collective bargaining negotiations. Nezavisnost alleged that similar situations existed in all large state-owned companies where CATUS had special ties with politically appointed management teams, citing as an example the state power company EPS, where Nezavisnost had not been able to establish a presence, despite repeated efforts since 2004.

According to the NGOs Felicitas and Center for Democracy, the most common worker's rights violations were work performed without an employment contract; nonpayment of salary, overtime, and benefits; employers' withholding maternity leave allowances; discrimination based on sex and age; discrimination against persons with disabilities; unsafe working conditions; and general harassment. Workers fired for union activity have a legal right to reinstatement. According to Nezavisnost, with the help of the Ministry of Labor and Social Policy's Labor Inspectorate, the trade union continued to gain reinstatement of several of its members who had been previously fired for union activities.

There are no special laws or exemptions from regular labor laws in the country's three export-processing zones.

c. Prohibition of Forced or Compulsory Labor

The constitution prohibits forced and compulsory labor, including by children; however, children, primarily from the Romani community, were forced to beg and commit petty theft. Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/g/tip.

Children were forced, often by their families, to beg and commit petty crime. Many of these children lived in substandard housing conditions without access to education. The law penalizes with prison terms of three months to five years

parents or guardians who force a minor to engage in begging, excessive labor, or labor incompatible with his or her age. The Family Care and Social Welfare Department within the Ministry of Labor and Social Policy also addressed the social problems in the Romani community that led to forced labor.

d. Prohibition of Child Labor and Minimum Age for Employment

The government effectively enforced laws protecting children from exploitation in the workforce in industries but did not have authority to check informal workplaces or individual households. In urban areas, children, primarily Roma, worked in the informal sector as street vendors and car washers. In villages and farming communities, underage children commonly worked in family businesses. In Romani communities, families sometimes forced their children into manual labor or begging.

For information on trafficking in persons, including persons trafficked for forced labor and slavery, also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

The minimum age for employment is 15 years old, and youths under 18 years old require written parental or guardian permission for employment. The labor law stipulates very specific working conditions for youths and limits their workweek to 35 hours. Penalties include fines of up to 780,000 dinars (approximately \$9,534).

According to the Ministry of Labor and Social Policy's Labor Inspectorate, which is responsible for enforcing the child labor laws, during the year inspectors did not register any violations involving employment of youths under the age of 18 without parental permission.

e. Acceptable Conditions of Work

The minimum wage for the period between January and June was set at 15,840 dinars (approximately \$194) per month. The minimum wage did not provide a decent standard of living for a worker and family. In companies with a trade union presence, the union generally monitored effective enforcement of the minimum wage. This was not the case in smaller private companies where employers were either unwilling or unable to pay minimum wages and mandatory social benefits. These companies often employed unregistered workers, that is, workers "off the books," for whom the employer did not pay social and pension contributions and to whom the employer paid a cash salary directly without recording the transaction.

Most unregistered workers did not report labor violations because they feared losing their jobs. The Labor Inspectorate is responsible for enforcing the minimum wage.

The average monthly net salary in November was approximately 34,591 dinars (approximately \$422).

Unlike in previous years, wage arrears were no longer reported to be substantial and widespread.

The standard workweek of 40 hours prescribed by the labor law was generally observed in state-owned enterprises but not in private companies. The law provides that an employee may not work overtime for more than four hours a day or for more than 240 hours in a calendar year. For an eight-hour workday, one 30-minute break is required. At least 12 hours of break are required between shifts during a workweek, and at least 24 hours of break are required over a weekend.

Collective agreements were the primary means of providing premium pay for overtime. However, the labor law requires that the premium for overtime work be at least 26 percent of the salary base, as defined by the relevant collective bargaining agreement. Trade unions within a company are the primary agents for enforcing overtime pay; however, the labor inspectorate also has enforcement responsibilities. The inspectorate did not always enforce labor regulations.

The law requires companies to establish a safety and security unit to monitor observance of safety and security regulations; however, in practice these units often focused on rudimentary aspects of safety, such as purchasing soaps and detergents, rather than on providing safety equipment for workers. Workers did not have the right to remove themselves from situations that endangered their health or safety without jeopardy to their employment. The Labor Inspectorate was responsible for worker safety and health, and it increased inspections and preventative measures during the year.